IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 11202 of 2006(H)

PETITIONER:

BONEY JOSEPH, PROPRIETOR,
JOBY ENTERPRISES, ICE PLANT, MANASSERY,
KANNAMALY P.O. ERNAKULAM.

BY ADV. SRI.MOHAMMED RAFIQ
SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

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1. THE ASSISTANT ENGINEER,
K.S.E.B. ELECTRICAL SECTION, KANNAMALY,
ERNAKULAM.

2. THE SUB ENGINEER,
K.S.E.B. ELECTRICAL SECTION, KANNAMALY,
ERNAKULAM.

3. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM,
REPRESENTED BY ITS SECRETARY.

4. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ANTI POWER THEFT SQUAD, ALUVA. ERNAKULAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 11202 of 2006

Dated, this the 4th day of December, 2007

J U D G M E N T

Petitioner's ice plant is closed on account of petitioner's failure to make payment of additional bill raised after detection of theft of power. The demand is around Rs.5.37 lakhs and interest thereon. Petitioner has filed appeal against the disputed bill before the 4th respondent, which is stated to be pending even now. Learned counsel for the petitioner submitted that petitioner is waiting for orders in appeal for settling liability and for taking new connection. His case is that unless petitioner is allowed to start the unit, it will not be possible for him to raise funds, even to clear the sustained arrears. In the circumstances, I feel, fresh connection can be ordered on conditions. This writ petition is, accordingly, disposed of directing 4th respondent to dispose of the appeal filed against the disputed bill within a period of two months from now. Petitioner will produce copy of this judgment for compliance. In between fresh connection will be given to the petitioner on petitioner remitting Rs.2.50 lakhs towards the disputed bill and along with it deposit the normal charges for granting fresh connection. Recovery of balance amount will be based on orders in appeal.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg